



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

PETITIONS FOR COMMITMENT/ RECOMMITMENT AND RECEIVING AND RECORDING HEARINGS/ORDERS

Effective Date: May 2, 2005

Policy #: CP-01

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- I. PURPOSE:** To provide procedures for filing petitions for commitment or recommitment in accordance with provisions of state law. To standardize the manner in which voluntary patients may request or withdraw their request to be released from a voluntary admission status at Montana State Hospital and to outline a procedure when Montana State Hospital decides to file for involuntary commitment on a patient who has submitted a Request for Release from Voluntary Commitment.
- II. POLICY:** In order to ensure petitions for commitment or recommitment are filed in a manner that allows proper notification to the patient, attorneys, professional people, and the courts, and to ensure proper tracking of the process, this procedure will be followed. Montana statute allows for a voluntary patient to request release from Montana State Hospital. This will be accomplished through the signing, submission, and processing of a standardized form utilized for that purpose. A voluntary patient may also withdraw a request for release from voluntary admission through the signing, submitting, and processing of another part of the same standardized form.
- III. DEFINITIONS:**
- A. Mental Health Professional Person is defined as:
1. a medical doctor, or
 2. another person who has met education, experience, and examination requirements established by the Addictive and Mental Disorders Division of the Department of Public Health and Human Services.
- B. Mental Status Examination/Evaluation is both a descriptive inventory of behaviors and a method by which to systematically organize and record observations, which describe the patient's behaviors. The patient's verbal and nonverbal behaviors, as well as the patient's self-report of certain subjective experiences, are included in the mental status exam. From observation of these variables, inference about the mental and emotional condition of the patient can be made. From these inferences, a working diagnosis and a treatment approach may be formulated.

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- C. Tickler (see Attachment F) is a form that gives a brief summary of patient information including date and type of admission; unit location; patient's full name and number; court case number and length of involuntary commitment; next of kin and their address; county and city of residence; treating physician at Montana State Hospital and upon recommitment, date of last mental status examination.

IV. RESPONSIBILITIES:

- A. Admissions Coordinator and Team Leader – To monitor recommitments and ensure reports are completed and sent to the Admissions Office in a timely manner.
- B. Admission/Reception Staff
1. To maintain an accurate database of commitment information to be utilized to complete needed reports for Mental Health Professionals.
 2. Process legal documents relating to recommitment in an efficient manner per statute requirements.
- C. Certified Mental Health Professionals – To complete and submit to the Admissions Office the mental status examinations for those patients requiring recommitment three weeks prior to the end of the commitment.
- D. MSH Social Work Staff – Ensures patients receive the Notice of Petition Extending Commitment (see Attachment C) and explains petition to the patient while providing patient or their families with any necessary assistance.

V. PROCEDURE:

- A. The Admissions Staff, as assigned, will maintain a database of commitment information. The database will include each patient's name and number, date of commitment order, due date for recommitment petition commitment expiration date, and the date petition/affidavit was filed.
- B. PROCEDURE FOR FILING RECOMMITMENT PETITIONS
1. Notice will be provided each month to the Team Leader of recommitment petitions due for patients on their treatment program. This notice will list the patient's name, MSH number, the date the commitment expires, and the date by which the petition and mental status evaluation needs to be received for mailing.
 2. Petitions for recommitment and accompanying mental status evaluations must be received by the Admissions Office three weeks before the expiration of a

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commitment. The Admissions Office will provide adequate notice of this date to the professional responsible for filing the petitions.

3. Near the expiration of any civil involuntary or criminal commitment, patients may be assessed to determine whether they may remain at the hospital on voluntary status. If the staff and the patient agree that the conditions for voluntary status are met, the voluntary admission forms must be completed and forwarded to the Admissions Staff. The status change will occur on the expiration date of the involuntary or criminal commitment. Patients determined to be incapacitated and for whom a guardian has been appointed may not be converted to voluntary status even with the authorization of the guardian.
4. Mental Health Professionals responsible for a recommitment evaluation must present one signed original mental status evaluation to the Admissions Staff. The original is distributed to Clerk of District Court. Additional copies will be distributed as follows: 1) DPHHS Legal Unit; 2) Medical Record; 3) Legal Services Office of the Board of Visitors.
5. Upon receipt of the new recommitment evaluation, the Admissions Staff will complete a Petition for Commitment which is signed by the Mental Health Professional. A copy of the Petition for Commitment is distributed to the Medical Record and to the Chief Deputy Attorney General as well as the persons listed in D above. After completion of the petition the Admissions Staff will complete a document titled Notice of Petition Extending Commitment (see Attachment C). Social Work staff are responsible for ensuring that this document is received by the patient. This will be documented on the form titled: Receipt by Patient of Copy of Petition Order, which is also completed by Admissions Staff. Social Work staff are also responsible for explaining the petition to the patient and providing them or their families with any necessary assistance. A notice of Petition Extending Commitment is sent to the patient's responsible party or next of kin and also to the patient by the Admissions Staff. A new Tickler (see Attachment F) form is completed and one copy is made. The original tickler is sent to the Medical Record and the copy is sent to the DPHHS Legal Unit.
6. Upon completion of the above, the Admissions Staff will update the commitment database with the date the petition was filed.

C. PROCEDURE FOR FILING PETITIONS ON VOLUNTARILY COMMITTED PATIENTS WHO REQUEST DISCHARGE.

1. When a patient on a voluntary commitment to Montana State Hospital petitions for release from Montana State Hospital, the patient is to sign and submit the form entitled "Request For Release From Voluntary Commitment" (Attachment A). Documentation of the patient's request for release from voluntary commitment is

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to be entered immediately on the progress notes in the patient's chart on the day the request for release is signed. The Admissions Staff or Admission Coordinator are to be notified that same day that a person has requested release from voluntary admission status. If the petition has been signed after hours or on the weekend, notification should occur no later than the next business day. In accordance with Montana Statutes, the Professional Person, usually the psychiatrist, must make a decision to either discharge the patient or file a petition for involuntary commitment. While the law allows the hospital to hold the patient for up to five days before releasing the patient or filing for involuntary commitment, notice of the action that will be taken must be received in the Admissions Office within three days so that the proper documents can be filed with the court.

2. A treatment team member will discuss the request for release with the patient and inform that patient of the hospital's right to detain him/her for no more than five days, excluding weekends and holidays, from the date on the form. The patient will also be notified that the hospital may seek an involuntary commitment through district court if it is believed by the treatment team that the patient is seriously mentally ill and if it is determined that the patient meets commitment criteria. The Team Leader will, following the treatment team's decision, forward the request for release from voluntary commitment within three days of signing to the Admissions Staff. The form will then be distributed as follows:
 - a. Original – Patient's Medical Record
 - b. Copy 1 – Medical Director
 - c. Copy 2 – Patient's Attorney
 - d. Copy 3 – DPHHS Legal Unit in Helena
 - e. Copy 4 – Patient
3. After the request for release from voluntary commitment is signed by the patient, one of three possibilities needs to occur:
 - a. Release
 - 1) If it is determined by the treatment team that the person does not meet involuntary commitment criteria, that person shall be released as soon as appropriate arrangements can be made (but no later than five working days following the signing of the request) from Montana State Hospital. Montana State Hospital discharge planning procedures shall be the same as with any other type of discharge from the hospital.
 - b. Involuntary Commitment Petition
 - 1) If it is determined that the person meets involuntary commitment criteria and should not be released, the Admissions Staff shall be notified

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immediately (no later than three working days following the signing of the request) and a petition for commitment will be filed in district court.

- 2) When a decision is made to file for involuntary commitment, an Affidavit (see Attachment E) will be completed by the Admissions Staff. The Professional Person must submit a short statement regarding the need for additional treatment to the Admissions Staff. Once completed the affidavit must be signed by the professional and notarized. A Petition For Commitment, Order Setting Initial Hearing, and Order Upon Initial Hearing documents are also completed. These documents will be faxed to the Clerk of the District Court, with the original to follow in the mail. Copies will be made for the medical Record, DPHHS Legal Unit and the BOV Legal Services Offices.
- 3) The date that the affidavit was filed will be entered into the commitment database.
- 4) After the affidavit is filed, an initial hearing is held at which time a professional person (normally the same person that filed the affidavit) will be appointed to conduct an evaluation regarding the need for involuntary commitment.

c. Withdrawal of Request for Release

- 1) A patient may withdraw his/her request for release from voluntary commitment by signing the bottom section of the form entitled "Withdrawal of Request for Release from Voluntary Commitment" (see Attachment A). The Admissions Staff should be notified the same day as the withdrawal was signed or the next working day, if after hours. Should the patient decide to withdraw his/her request for release from voluntary commitment, the form will be distributed as noted in section 2) above.

One of the above options must occur within five days following the signing of the Request for Release From Voluntary Commitment.

4. Procedure regarding the receipt of commitment orders by the hospital

- a. All commitment orders are to be routed to the Admissions Office. Staff in the Admissions Office will review the order and update necessary information in the commitment database. Questions regarding the contents of an order will be referred to the DPHHS Legal Unit. The Admissions Office will make copies of new orders and route them as follows: Two (2) copies to the reimbursement office; one (1) copy to the Board of Visitors Legal Services; and one(1) copy to DPHHS Legal Unit. For patients on a criminal

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_____/_____/_____
Thomas Gray, MD Date
Medical Director